

ENTERED

February 26, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

MARK CLIFF SCHWARZER,
(TDCJ-CID #01433741)

Plaintiff,

VS.

LUIS HERNANDEZ
and
EVELYN CASTRO
and
MELINDA KURTZ, *et al*,

Defendants.

ORDER

In the court's order dated January 30, 2020, (Docket No. 9), Plaintiff Mark Cliff Schwarzer was ordered to show cause as to why he has not properly served the summons and complaint on Defendants Luis Hernandez, Evelyn Castro, Melinda Kurtz, and Chesley Williams as required by Rule 4 of the Federal Rules of Civil Procedure. Schwarzer timely responded to the order to show cause, stating that he has attempted to serve the defendants through his sister, but that the complaint and summons were lost in the mail. (*See* Docket No. 12). Schwarzer also informed the Court that he intends to file a first amended complaint. (*See id.*).

The Court construes Schwarzer's response to order to show cause as a motion for an extension of time to serve the defendants under Rule 4(m). The Court GRANTS this request. Accordingly, Schwarzer is **ORDERED** to effect service in compliance with Rule 4 of the Federal Rules of Civil Procedure within 90 days of the date of this order. Schwarzer is warned that if he fails to comply with this order, this case may be dismissed pursuant to Rule 4(m).

It is further **ORDERED** that to the extent that Schwarzer's response to order to show cause can be construed as a motion to amend his complaint, such request is DENIED. As previously explained to Schwarzer in the court's order dated October 2, 2019, (Docket No. 7), no amendments or supplements to the complaint may be filed without prior court approval, and a complete amended complaint must be attached to any motion to amend in accordance with Rule 15 of the Federal Rules of Civil Procedure.

It is so ORDERED.

SIGNED on this 26th day of February, 2020.



Kenneth M. Hoyt
United States District Judge